

## **REMARKS**

### *Status of the claims*

Upon entry of this amendment, claims 1-117, 285, 291, 292, 295, 297 and 301-305 will be pending.

Applicants have cancelled claims 118-159, 286, 288-290, 293, 294, 296, and 298-301 without prejudice or disclaimer. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the cancelled claims in one or more continuing or divisional applications.

Applicants acknowledge that claims 24-30, 32-46, 48-63, 65-78, 80-94, 96-108, 110-117, 285, 295, 297, and 300 have been allowed.

Claims 31, 47, 63, 79, 95, 109 have been amended to recite the word "further." The punctuation of claim 63 has also been corrected.

Claim 56 has been amended to delete reference to clone HTPCH84.

Claims 291 and 292 have been amended to recite the specific amino acid residues that are encoded by the reference polynucleotide and to recite that the claimed polynucleotide encodes a polypeptide that binds Fas ligand. Support for these amendments may be found, for example at page 4, line 28 through page 6, line 6, page 43, lines 4-14 and page 43, line 35 through page 44, line 3 in the specification as filed.

Claim 302 has been rewritten as a claim to "[a]n expression vector" rather than a claim to "[a] DNA or RNA molecule" Support for this amendment may be found, for example, at pages 19-23 in the specification as filed.

Claims 302, 304 and 305 have been amended to define the sequence of amino acid residues produced by the claimed process. Support for these amendments may be found, for example at page 4, line 28 through page 6, line 6 in the specification as filed.

Accordingly, no new matter has been entered.

For the Examiner's convenience, a Clean Version of the Entire Set of Pending Claims (including amendments made herein) as allowed for under 37 C.F.R. § 1.121(c)(3) is enclosed.

### *Claim Objections*

The Examiner objected to claim 301 under 37 C.F.R. § 1.75(c) for failing to further limit the subject matter of a previous claim. Claim 301 has been cancelled, thus obviating this objection.

The Examiner objected to claims 31, 47, 64, 79, 95, and 109 and requested amendment of the to include the word "further." Applicants have amended the claims in accordance with the Examiner's suggestion with one exception. Applicants amended claim 63 rather than 64 because claim 63 is the claim that corresponds in format to the other objected claims (31, 47, 64, 79, 95, and 109). Applicants believe that these amendments overcome the Examiner's objection to the claims and respectfully request that the Examiner withdraw this objection.

### *Claim Rejections under 35 U.S.C. § 112, First Paragraph*

A. The Examiner rejected claims 136, 137, 148 and 149 under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. Although fully disagreeing with this rejection, Applicants have cancelled claims 136-159 solely in the interest of furthering prosecution of the present application towards allowance. Applicants reserve the right to file one more divisional applications directed to the subject matter of claims 136-159 as first presented on June 21, 2000 and as amended on March 19, 2002. Cancellation of claims 136-159 renders the rejection of claims 136, 137, 148 and 149 under 35 U.S.C. § 112, first paragraph moot. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection under 35 U.S.C. § 112, first paragraph.

B. The Examiner also rejected claims 289-292 under 35 U.S.C. § 112, first paragraph for alleged lack of enablement and written description. Applicants respectfully disagree. However, in the interest of facilitating prosecution, Applicants have cancelled claims 289 and amended claims 291 and 292, in accordance with the Examiner's suggestion, to recite that the "polynucleotide encodes a polypeptide that binds Fas ligand." Applicants believe that cancellation of claim 289 and amendment of claims 291-292 overcomes or obviates the Examiner's rejections of these claims under 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request that this rejection be withdrawn.

*Claim Rejections under 35 U.S.C. § 112, Second Paragraph*

A. The Examiner rejected claims 288, 289, 290, and claim 298 (dependent from claim 288) under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More particularly, the Examiner states that the use of the term “contained,” made it unclear as to whether “the entire sequence of SEQ ID NO:1 is being claimed or only the region encoding SEQ ID NO:2.” (See, Paper No. 22, paragraph 7.1). Applicants believe this rejection has been obviated or overcome by Applicants’ cancellation of claims 288 and 289 and amendment of claim 290. Accordingly, Applicants respectfully request that this rejection be withdrawn.

B. The Examiner rejected claims 302-305 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicants have amended claims 302, 304 and 305. Applicants believe these amendments overcome or obviate the Examiner’s rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

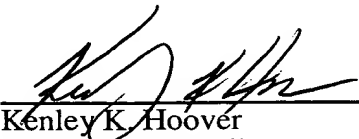
***CONCLUSION***

Applicants believe that this application is now in condition for allowance, and an early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for in the Petition for an Extension of Time submitted concurrently herewith, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

Respectfully submitted,

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Enclosures